

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

**THE LOUISIANA COMMUNITY
DEVELOPMENT CAPITAL
INVESTMENT FUND, INC. AND
FAITH INVESTMENTS, LLC**

*** CIVIL ACTION NO. 14-2212**

VERSUS

*** JUDGE ROBERT G. JAMES**

**THE GRAMBLING LEGENDS
SQUARE TAXING DISTRICT**

*** MAG. JUDGE KAREN L. HAYES**

RULING

Pending before the Court is a “Motion to Dismiss Pursuant to Rule 12” [Doc. No. 21] filed by Defendant The Grambling Legends Square Taxing District (“the District”). On March 16, 2015, Magistrate Judge Hayes issued a Report and Recommendation [Doc. No. 26] in which she recommended that the motion be granted and Plaintiffs’ claims be dismissed with prejudice. Plaintiffs filed objections [Doc. No. 27] to the Report and Recommendation, and the District filed a response [Doc. No. 28] to Plaintiffs’ objections.

Having fully reviewed the record in this matter, including the objections and the response, the Court finds that Magistrate Judge Hayes correctly stated and applied the law and hereby ADOPTS the Report and Recommendation. The Court issues this Ruling to address one argument raised by Plaintiffs for the first time in their objections.

In support of their substantive due process claim, Plaintiffs argue that they suffered a taking without just compensation because the hotel occupancy taxes and rents are both civil fruits under Louisiana law and that the District has deprived them of these fruits. First, as the District points out, taxes are obligations owed by the potential customers if a hotel were built on the

corner edge of the property (the portion of the property within the District) and if the District, within its discretion, established an occupancy tax on that property. Second, rents are civil fruits, but Plaintiff do not allege that they have been deprived of all economically viable use of the property. Plaintiffs can build anything they wish on their property within the zoning parameters. It is clear from Plaintiffs' amended allegations that their real complaint is with the District's denial of financial assistance.

For the foregoing reasons and those set forth in Magistrate Judge Hayes' Report and Recommendation, the District's Motion for Summary Judgment will be GRANTED, and Plaintiffs' Complaint, as amended, will be DISMISSED WITH PREJUDICE.

MONROE, LOUISIANA, this 16th day of April, 2015.


ROBERT G. JAMES
UNITED STATES DISTRICT JUDGE